

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EVERETT HADIX, *et al.*,

Plaintiffs,

v.

PATRICIA CARUSO, *et al.*,

Defendants.

Case No. 4:92-CV-110

Hon. Richard Alan Enslen

ORDER

This matter is before the Court to consider Plaintiffs' Motion for Reconsideration of its Order of May 15, 2006. Said Order determined that Defendants' Detailed Alternative Plan ("DAP") was a sufficient fire safety remedy regarding cell blocks 1, 2, 3 and 7 of the Egeler facility and Block 8 of the Parnall facility. More particularly, the Court determined that the DAP should be approved, in lieu of the existing court ordered remedy, pursuant to requirements of the Prison Litigation Reform Act ("PLRA"), because injunctive relief must be "narrowly drawn, extend no further than necessary to correct the violation . . . , and . . . [must be] the least intrusive means to correct the violation" 18 U.S.C. § 3626(a)(1). Defendants oppose such Motion for Reconsideration.

Pursuant to Western District of Michigan Local Civil Rule 7.4(a), reconsideration is appropriate only when the movant "demonstrate[s] a palpable defect by which the Court and the parties have been misled . . . [and] that a different disposition must result from the correction thereof." Plaintiffs' Motion fails to meet this standard. The various arguments against the DAP were previously considered and rejected after sufficient hearing and multiple briefings. Plaintiffs' re-couched arguments and speculation about future events are not sufficiently supported on this

record to warrant delay of significant improvements of life safety affecting many prisoners included within the DAP. Additionally, Plaintiffs' requests for further hearing and/or discovery on these issues, which would delay an already protracted litigation, have insufficient prospects for success on the merits. *See Hadix v. Johnson*, 398 F.3d 863, 865 (6th Cir. 2005) (noting protracted length of suit in 2005).

For these reasons and those given by Defendants' in their Response in Opposition;

IT IS HEREBY ORDERED that Plaintiffs' Motion for Reconsideration (Dkt. No. 2031) is **DENIED**.

DATED in Kalamazoo, MI:
June 30, 2006

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE